**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.**

Crl. Misc. No. 57422-M of 2006

DATE OF DECISION : 20.11.2006

Sarbjit Singh

**....** PETITIONER

Versus

State of Punjab

..... RESPONDENT

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Ms. Baljit Mann, Advocate,
for the petitioner.

Mr. N.S. Gill, AAG, Punjab.

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Petitioner Sarbjit Singh has filed this petition under Section 439 of the Code of Criminal Procedure for the grant of regular bail in case FIR No. 162 dated 9.5.2005 under Sections 302/307/324/323/326/201/148/ 149 IPC and Sections 25/27/54/59 of the Arms Act, registered at Police Station Sadar, Muktsar.

I have heard counsel for the parties and gone through the contents of the FIR.

In this case, as per the prosecution version, co-accused Darshan Singh fired shot from his rifle on left side of waist of deceased Balkaran Singh and another co-accused Harpinder Singh fired shot from his rifle at Amarjit Singh. Then both of them fell on the ground. It is further alleged that thereafter, petitioner Sarbjit Singh and Amarjit Singh gave two gandasa blows to deceased Balkaran Singh, which hit on his left wrist and right biceps. It is further alleged that subsequently Amritpal Singh and petitioner Sarbjit Singh gave gandasa blows to Gurcharan Singh witness, which hit on his right arm and left hand.

Counsel for the petitioner, while referring to the post mortem report, submitted that no injury was found either on the left wrist or on the right biceps of deceased Balkaran Singh, therefore, the allegation that the petitioner along with Amarjit Singh gave two gandasa blows on the person of deceased is false. Counsel for the respondent-State could not dispute the factual position that no injury was found on the left wrist or right biceps of the deceased. However, he submitted that the petitioner was also member of unlawful assembly and he has been charged under Section 148 IPC and for the offence under Section 302 IPC with the aid of Section 149 IPC, therefore, he should not be granted bail.

It has been stated that the petitioner is in custody since 13.5.2005 and out of 29 prosecution witnesses, 26 are yet to be examined. It is not the case of the prosecution that in case, petitioner is released on bail, he is likely to influence the prosecution witnesses. The conclusion of trial is likely to take long time.

Keeping in view the aforesaid facts, without expressing any opinion on the merits of the case, I deem it appropriate to grant regular bail to the petitioner and he is, accordingly, ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of the trial court.

**November 20, 2006** **( SATISH KUMAR MITTAL )**
ndj **JUDGE**